

REMARKS

Claims 1-10 were examined and rejected. Applicant amends claims 1, 3, and 7-10. The claims as amended are supported at paragraphs 20-27 and Figures 1-4 of the Application as originally filed. Applicant respectfully requests reconsideration of claims 1-10 as amended, in view of at least the following remarks.

I. Specification

The Patent Office objects to the disclosure because the parent application information has not been updated with the parent issued patent number. Applicant amends the specification as suggested by the Patent Office and, therefore, respectfully requests that the Patent Office withdraw the above-objection.

II. Claims Rejected Under 35 U.S.C. §112

The Patent Office rejects claims 3, and 7-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 3 establishes a second contact to the junction region, however, claims 7-9 require a second contact through to the gate. The Examiner could not find this arrangement. Applicant amends claims 3 and 7-9 to clarify that the first contact extends to the gate while the second contact is to a junction region. Thus, Applicant asserts that claims 3 and 7-10 are proper with respect to 35 U.S.C. § 112, and respectfully requests that the Patent Office withdraw the above rejection of claims 3 and 7-10.

The Patent Office rejects claim 10 because the Examiner could not find a description or depiction of the different second height being substantially less than the first height. Applicant believes that the noted limitation of claim 10 is supported by paragraph 41 and Figure 11 of the specification as filed. Specifically, paragraph 41 describes an example of the second height being on the order of 0.03 microns, and an example of the first height being on the order of 0.1 microns. Thus, Applicant asserts that claim 10 is in accordance with 35 U.S.C. § 112 and request that the Patent Office withdraw the above rejection of claim 10.

III. Claims Rejected Under 35 U.S.C. §102

The Patent Office rejects claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,696,732 to Matsuoka et al. ("Matsuoka"). It is axiomatic that for a claim to be anticipated, every limitation of that claim must be disclosed in a single reference.

Applicant respectfully disagrees and submits that amended independent claim 1 is allowable for at least the reason that Matsuoka does not describe a contact extending through a first thickness to the gate and a portion of the second thickness, where the portion of the second thickness is different in thickness than the first thickness, as required by amended claim 1.

Matsuoka describes gated device 14c in an SRAM cell having first and fourth contacts 44, 46 which either go through the dielectric layer and either stop at the etch stops or go to the gate, or a junction region 14a, b (see Figure 23 and col. 10, lines 9-35). First to fourth contacts 44 and 46, each extend only through one thickness of the dielectric.

On the other hand, claim 1, as amended, requires a contact extending through a first thickness to the gate and a portion of the second thickness, where the portion of the second thickness is different in thickness than the first thickness. Hence, for at least the reason above, Applicant respectfully requests that the Patent Office withdraw the rejection of independent claim 1 noted above.

Applicant submits that dependent claims 2-10, being dependent upon allowable base claim 1, are patentable over the cited reference for at least the reasons explained above. Thus, Applicant respectfully requests that the Patent Office withdraw the rejection of dependent claims 2-10 noted above.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: December 15, 2004

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

By: _____

Angelo J. Gaz, Reg. No. 45,907

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on December 15, 2004.

Nadya Gordon
Nadya Gordon

12/15/04
Date